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**To:** <NPDES\_CAFO@rb5s.swrcb.ca.gov>  
**Date:** Mon, Nov 1, 2004 2:45 PM  
**Subject:** Comments on NPDES

I make the following comments as a heifer raiser and a banker. From both my perspectives I am deeply concerned regarding the proposed permit. The comments that follow are my own and do not necessarily represent those of my employer.

First, I would like to make the suggestion the word "waste" be eliminated throughout the permit and any further discussions. The word waste is offensive to many and does not accurately describe the product with which you are scrutinizing. "Nutrient matter" is a more appropriate term for the byproduct from cows. If this product was truly a waste, we would have little use for it in our fields. Dairies today produce a nutrient rich irrigation water that when properly handled is an exceptional source of N and P for all fields, including almonds and walnuts. It lessens the amount of manufactured fertilizer required in the fields which means less energy used in manufacturing the product. In addition to the irrigation water, it also produces an exceptional form of compost that is highly sought after.

Secondly, I am concerned in regards to ground water monitoring. What if there are areas in the valley that already exceeds the determined level for nitrates? If these areas are already in noncompliance will there be litigation by third parties? What protection will there be for the dairy producers who, at there own expense, will pay for the well monitoring and submit this information which will become public information. It is not far fetched in the least to think that a third party environmental group that has been fighting the dairy industry already won't use this information against the dairy producer. The groups that will litigate do not care about sound science; they care about tying the dairy business up in court, sucking the equity out of the family farmer and stopping the milk production business in California. I would like to see language that protects the dairy producer against a third party lawsuit from the information that they have willingly provided at their own expense.

Thirdly, it is of grave concern to require the removal of all standing water in a coral within 24 hours. While most dairy producers try to grade their corals for run off, and mound them for runoff, corals are inhabited by large animals with four legs and four feet. They are moving dirt in the corals constantly by walking and running, laying down, challenging and riding each other. What was a nicely sloped mound graded for runoff to the drain is within a few days a coral with holes and indentations in it. All spots where water will sit. And please remember, many of these corals had been lined with clay so as not to



percolate the water into the soil, but to run the water off to the drain. A 72 or 90 hour window will be more possible for the dairy producer than 24 hours. Why create a regulation that once it is adopted will automatically put the producer in violation. Why adopt a regulation that cannot be managed. It is these types of regulations that third parties look for in order to litigate and stop the dairy industry.

Thank you

John S. Herlihy

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